



# Compliance with OSH Regulatory Requirements and Decision-Making

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## Questions

- **What is the role and significance of regulatory compliance in the promotion of workers safety and health?**
- **Does regulatory requirements impact on OSH decision-making?**
- **What is the relationship between regulatory requirements and compliance?**
- **Are regulatory requirements sustainable in creating safe workplaces and promoting the health of workers?**



Definitions

- **Statutory and Regulatory requirements**
- **Decision-making**
- **Compliance**

## Definitions 1/3

# ■ Statutory and Regulatory requirements

- This term expresses two types of requirements:
  - (i) Statutory requirements
  - (ii) Regulatory requirements
- Both statutory requirements and regulatory requirements are those requirements that are required by law. Thus mandatory.
- *“Statutory refers to laws passed by a state and/or central government, while regulatory refers to a rule issued by a regulatory body appointed by a state and/or central government.”*

# What can organizations DO?

Organizations should have a methodology in place to:

- for determining, maintaining and updating all applicable statutory and regulatory requirements,
- for communicating all applicable statutory and regulatory requirements within the organization.
- The organization should ensure that determined statutory and regulatory requirements are utilized as 'process inputs'.
- The organization should monitor 'process outputs' for compliance with statutory and regulatory requirements.

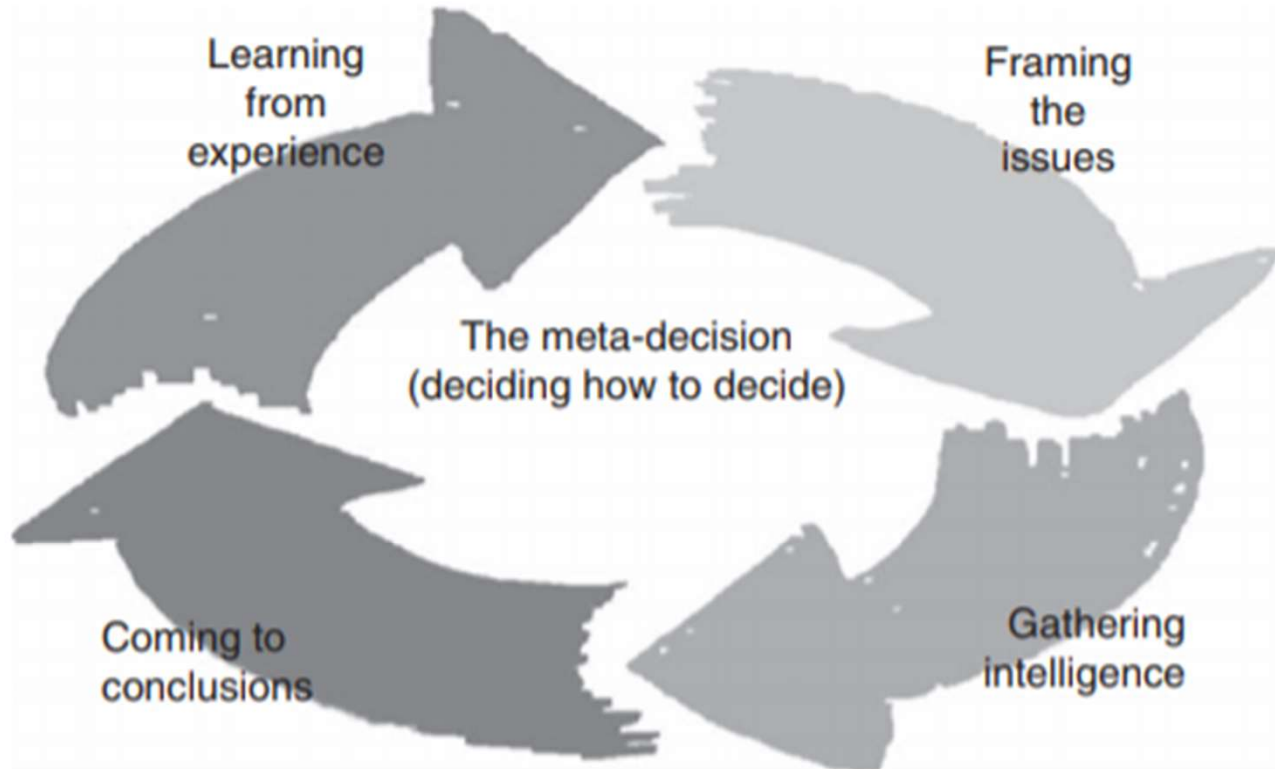
Definitions  
2/3

## Decision-making

- is the process in which an individual, group or organization **reaches conclusions** about what future actions to pursue given a set of objectives and limits on available resources (Russo,2014)

**decision-making**

Paul J. H. Schoemaker; J. Edward Russo  
DOI: 10.1057/9781137294678.0160  
Palgrave Macmillan



Source: Russo and Schoemaker (2002)

**Figure 1** Phases of the decision process

# 7 STEPS TO EFFECTIVE DECISION MAKING

Decision making is the process of making choices by identifying a decision, gathering information, and assessing alternative resolutions.

Using a step-by-step decision-making process can help you make more deliberate, thoughtful decisions by organizing relevant information and defining alternatives. This approach increases the chances that you will choose the most satisfying alternative possible.



Steps – DECISION-MAKING



## Definitions

# Compliance

- a state of accordance between an actor's behavior or products on the one side, and predefined explicit rules, procedures, conventions, standards, guidelines, principles, legislation or other norms on the other
- Simply: obey rules and commands

# Compliance

types and levels of prescriptive systems:

- International and domestic laws and regulations,
- industry-wide standards
- and best practices,
- organizational rules and procedures,
- enterprise architecture principles and models

Definitions

Systems  
that  
facilitate  
compliance

- **Implementing an OSH Management System (OSH MS).**
- **Applied in conjunction with the principles of the Deming Cycle**

## Architecture of the OSH MS

- **Initially, management of OSH focused on technical inspections, with the later inclusion of organizational, human factors and behavioural issues**

The five basic characteristics of any occupational safety and health managements systems

- *In principle, its functions are: (1) to increase the effectiveness of OSH management; (2) to guarantee compliance with existing legislation; and (3) to improve OSH performance. The OSH MS objectives are to be defined by the organization and may include ethical, economic, legal and organizational goals. Not all OSH MS have similar objectives.*
- *It is a holistic approach, specifying and requiring implementation of a series of elements and (positive) interactions between them.*
- *It has provisions for system maintenance and continuity. The functioning of an OHS MS is evaluated on a regular basis (through OSH audits). A periodic review of its objectives and effectiveness is necessary to ensure continuous improvement.*
- *Its outputs (OSH performance) are important to the evaluation of the management system.*

**(Zwetsloot,n.d)**

relationship  
between OSH MS  
and regulatory  
requirements

**REGULATORY REQUIREMENTS NOW INCLUDE A SYSTEMATIC MANAGEMENT APPROACH TO CONTROL OCCUPATIONAL HAZARDS :**

- Examples 1: The European Framework Directive on Safety and Health at Work (Directive 89/391 EEC) adopted in 1989 was a substantial milestone in improving safety and health at work. 'working environment' was defined in accordance with International Labour Organization (ILO) Convention No. 155 and defines a modern approach taking into account technical safety as well as general prevention of ill-health.
- In 2004 the European Commission issued a Communication (COM [2004] 62) on the practical implementation of the provisions of some of the directives, namely 89/391 EEC (framework directive), 89/654 EEC (workplaces), 89/655 EEC (work equipment), 89/656 EEC (personal protective equipment), 90/269 EEC (manual handling of loads) and 90/270 EEC (display screen equipment)].
- Examples 2: The factories and other places of Work (safety and Health Committee) rules

relationship  
between OSH MS  
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**REGULATORY REQUIREMENTS NOW INCLUDE A  
SYSTEMATIC MANAGEMENT APPROACH  
TO CONTROL OCCUPATIONAL HAZARDS :**

- OSH management system, it does require them to have a range of elements of the system (i.e. management and workers involvement, a risk assessment and control process, and OSH Competence).

relationship  
between OSH MS  
and regulatory  
requirements

**REGULATORY REQUIREMENTS NOW INCLUDE A  
SYSTEMATIC MANAGEMENT APPROACH  
TO CONTROL OCCUPATIONAL HAZARDS :**

- **SECTOR SPECIFIC** safety management system in place for the chemical process industries that deal with major hazards (the post-Seveso Directive).
- In Kenya: **BOWEC RULES, 1984; FIRST AID RULES, HAZARDOUS SUBSTANCES RULES, The OSHA, 2007** on chemical safety





GOVERNMENT  
SUPPORT FOR  
OSH MS

## WIDESPREAD GOVERNMENT SUPPORT AROUND THE WORLD:

- **Example 1:** exemption from regular screening inspections in Denmark
- **Example 2:** promotion of voluntary management systems in the UK
- **Example 3:** OSH MS are embedded in the USA's OSHA's Voluntary Protection Programme.

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## Role of Standardization

- **OHSAS 18001**
- **ISO 45001**
- **OSH MS Guidelines  
(ILO,2001)**

# ISO 45001:2018 Checklist

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**Company:**

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**Department:**

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**Completed by**

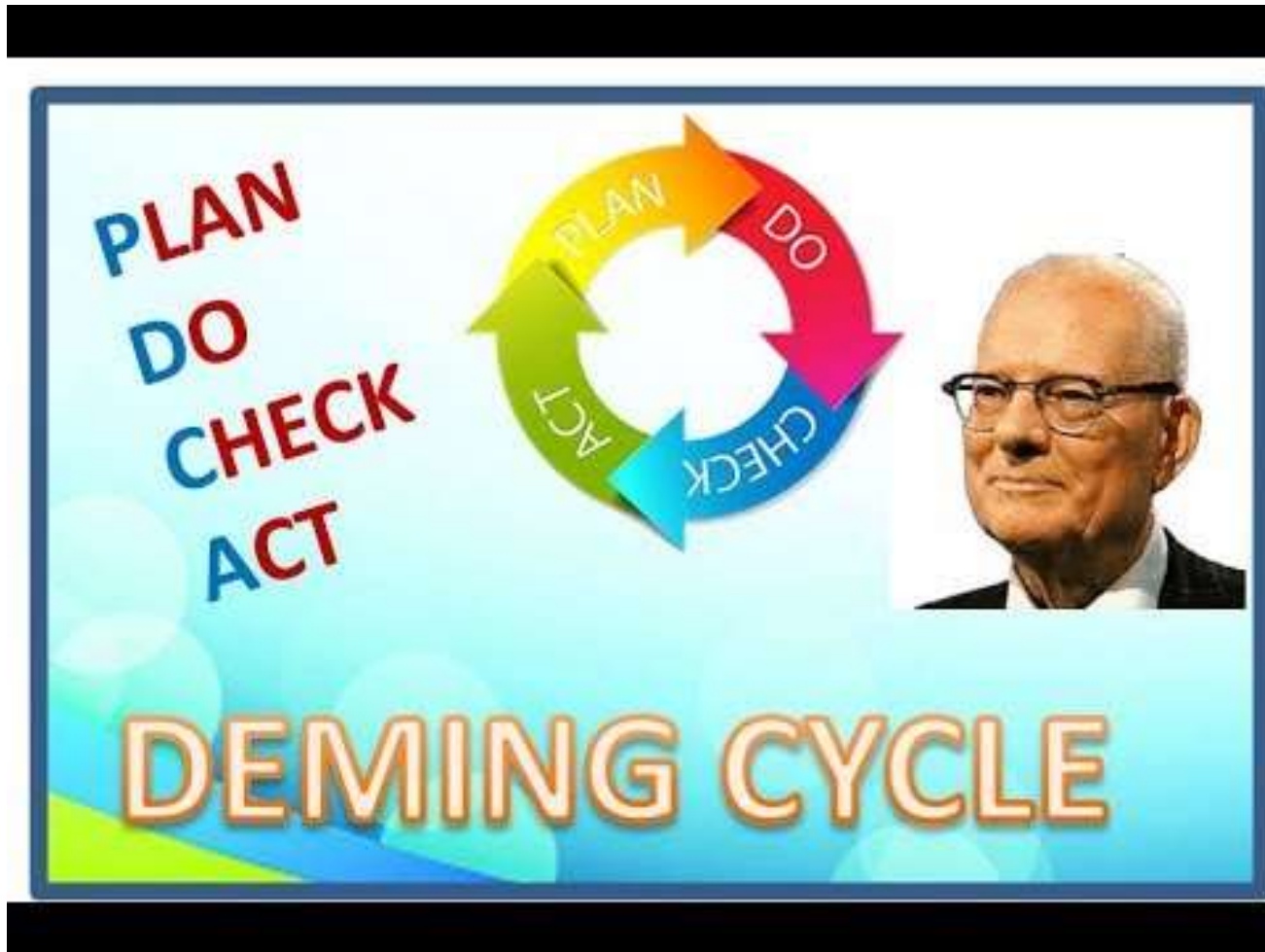
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## **4. Context of the organisation**

### **4.1 Understanding the organisation and its context**

The role of the Deming Cycle as a tool of Implementation of OSH MS



# DEMING CYCLE AND DECISIONS REQUIRED

Steps	Aims	Elements of the OSH MS
<b>Plan</b>	Establish the objectives and processes necessary to deliver results in accordance with the organisation's OSH Policy	<ul style="list-style-type: none"> <li>OSH Policy</li> <li>Top management involvement</li> <li>Hazard identification</li> <li>Risk assessment</li> <li>Determining controls</li> <li>Legal and other requirements</li> <li>Objectives and programme(s)</li> </ul>
<b>Do</b>	Implement the process	<ul style="list-style-type: none"> <li>Resources, roles, responsibility, accountability and authority</li> <li>Competence, training and awareness</li> <li>Communication, participation and consultation</li> <li>Documentation</li> <li>Control of documents</li> <li>Operational control</li> <li>Emergency preparedness and response</li> </ul>
<b>Check</b>	Monitor and measure processes against OSH Policy objectives, legal and other requirements; report the results	<ul style="list-style-type: none"> <li>Performance measurement and monitoring</li> <li>Evaluation of compliance</li> <li>Incident investigation</li> <li>Nonconformity, corrective action and preventive action</li> <li>Control of records</li> <li>Internal audit</li> </ul>
<b>Act</b>	Take actions to continually improve OSH performance	<ul style="list-style-type: none"> <li>Management review</li> <li>OSH Performance</li> <li>OSH Policy and objectives</li> <li>Resources</li> <li>Other elements of the OSH MS</li> </ul>

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## BACK TO OUR Questions

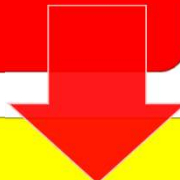
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**HOW  
REGULATORY  
REQUIREMENTS  
DRIVE  
COMPLIANCE**

**REGULATORY  
REQUIREMENTS**

**DECISION-  
MAKING**

**COMPLIANCE**



A red speech bubble graphic with a white outline, containing the word 'CONCLUSION' in white capital letters. The bubble has a tail pointing downwards and to the right.

CONCLUSION

■ **REGULATORY  
REQUIREMENT DRIVE  
COMPLIANCE  
THROUGH STRATEGIC  
DECISION-MAKING  
PROCESSES.**



ARE REGULATORY  
REQUIREMENTS  
SUFFICIENT TO  
IMPROVE OSH?

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■ **THANK YOU SO  
MUCH FOR  
LISTENING**